

MANZ et al  
Appl. No. 10/046,564  
January 28, 2004

### REMARKS/ARGUMENTS

Claims 1, 3-20 22 and 23 stand rejected in the outstanding Official Action. Claims 22 and 23 have been cancelled, without prejudice. Therefore, the remaining claims are claims 1 and 3-20.

The telephone interview with the Examiner on November 17, 2003 is very much appreciated. The Examiner's contacting of applicants' representative regarding the allowance of all remaining claims if applicant cancelled claims 22 and 23 is very much appreciated. However, this indication of allowance is not reflected in the Interview Summary Record.

Additionally, the Interview Summary Record does not reflect that applicant's undersigned representative agree to contact the applicants to obtain permission to cancel claims 22 and 23. Moreover, it does not reflect the further telephone interview conducted on December 2 in which the undersigned indicated that applicant would agree with the cancellation of claims 22 and 23. Finally, it does not reflect the Examiner's advising the undersigned that, without inquiring as to the inventor's response, he had prepared an official action and that it would be mailed that day.

In view of the above, and the agreed cancellation of claims 22 and 23, reconsideration of the allowability of the remaining claims is requested.

Claims 1, 5 and 7-19 stand rejected under 35 USC §103 as obvious over Henderson (USP 6,258,263) in view of Miyazaki (EP 0 568 024). The Examiner's

MANZ et al  
Appl. No. 10/046,564  
January 28, 2004

admission that Henderson does not disclose "the particular micropump." However, the Examiner suggests that the details of such pump are disclosed in the Miyazaki reference.

Applicants' independent claim 1 (and thus claims 3-20 dependent thereon) was previously amended to recite elements of a chromatographic system in which the transport channel includes a fluid inlet and a separation channel.

As previously noted, the Miyazaki reference does not contain any separation channel and is related to a capillary pump for feeding small quantities of liquid. Thus, Miyazaki cannot anticipate or render obvious the subject matter of applicants' independent claim 1 or claims 3-20 dependent thereon.

Entry of the Rule 116 Amendment

Entry of this Rule 116 amendment is respectfully requested. The sole amendment involves the cancellation of claims 22 and 23, previously authorized for cancellation in the telephone interview with the Examiner on December 2, 2003. In view of the fact that the Examiner indicated that claims 1 and 3-20 were otherwise in condition for allowance during the November 17 interview, the cancellation of these claims will result in allowance of the application. The cancellation of these claims should also obviate the need for any Appeal or Appeal Brief. The cancellation does not raise new matter or new issues requiring further consideration and/or search. Thus entry under the provisions of Rule 116 is respectfully requested.

Having responded to all objections and rejections set out in the outstanding Official Action, it is submitted that claims 1 and 3-20 are in condition for allowance and

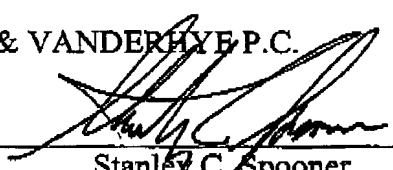
MANZ et al  
Appl. No. 10/046,564  
January 28, 2004

notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact applicant's undersigned representative.

Respectfully submitted,

NIXON & VANDERHYE P.C.


By:

  
Stanley C. Spooner  
Reg. No. 27,393

SCS:kmm  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

  
Stanley C. Spooner  
Reg. No. 27,393

1/28/04  
Date